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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

STEVE RABIN and JOHN CHAPMAN,
 on behalf of themselves, and all others
 similarly situated,

Plaintiffs,

v.

PRICEWATERHOUSECOOPERS LLP,
 Defendant.

Case No. 16-cv-02276-JST

**PLAINTIFFS' ADMINISTRATIVE MOTION
 FOR LEAVE TO FILE UNDER SEAL
 CERTAIN MATERIALS RELATED TO
 PLAINTIFFS' MOTION FOR CONDITIONAL
 COLLECTIVE CERTIFICATION AND
 ISSUANCE OF COURT-AUTHORIZED
 NOTICE PURSUANT TO 29 U.S.C. § 216(b)**

Date: March 1, 2018
 Time: 2:00 p.m.
 Courtroom: 9, 19th Floor
 Judge: The Honorable Jon S. Tigar

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NOTICE OF MOTION AND MOTION

Pursuant to the Northern District of California Civil Local Rules 79-5(d) and 7-11, Plaintiffs respectfully submit this Administrative Motion for Leave to File Under Seal Certain Materials Related to Plaintiffs’ Motion for Conditional Collective Action Certification and Issuance of Court-Authorized Notice Pursuant to 29 U.S.C §216(b) (“Sealing Motion”). This Sealing Motion is supported by the authorities cited herein and the Declaration of Melissa L. Stewart in Support of Plaintiffs’ Administrative Motion for Leave to File Under Seal Materials Related to Plaintiffs’ Motion for Conditional Collective Certification and Issuance of Court-Authorized Notice Pursuant to 29 U.S.C. § 216(b) (“Stewart Decl.”).

The Ninth Circuit recognizes “the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process.” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotations and citations omitted). “‘It is clear that the courts of this country recognize general right to inspect and copy public records and documents, including judicial records and documents.’” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597(1978)). “[A] strong presumption in favor of access” is the starting point. *Id.* (internal quotations omitted). Accordingly, “a court may seal records only when it finds a compelling reason” that is supported by specific facts. *Id.* at 1096-97 (internal modifications and quotations omitted).¹ In deciding whether to seal, a court must “conscientiously balance[] the competing interests” of the public and the [moving] party.” *Kamakana*, 447 F.3d at 1179. If the court finds that sealing of certain judicial records is appropriate, it must “base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture.” *Id.* (internal quotations and citations omitted).

Here, Plaintiffs seek to redact two limited categories of information. First, Plaintiffs seek to protect contact information for collective and potential collective member, including email

¹ For sealed materials attached to a discovery motion unrelated to the merits of the case, a party need only to meet the “good cause” standard. *Ctr. for Auto Safety*, 809 F.3d at 1097.

addresses, phone numbers, and mailing addresses, contained in the resume attachments to the declarations they submitted in support of Plaintiffs' Motion for Conditional Collective Certification and Issuance of Court-Authorized Notice Pursuant to 29 U.S.C. § 216(b) ("Conditional Certification Motion"). *See* Conditional Certification Motion, Exhibits 121-123, 125-127, 129-135, 137, 139-142, 144-149;² Stewart Decl. ¶¶ 5-28.

Second, Plaintiffs seek to redact contact information for the Named Plaintiffs contained in email correspondence with PwC employees.³ *See* Conditional Certification Motion, Exhibits 66, 67, 78; Stewart Decl. ¶¶ 2-4.

Plaintiffs respectfully submit that public disclosure of this personal contact information would compromise the privacy of the individuals and there is no countervailing public interest in the information. Stewart Decl. ¶¶ 2-28. PwC does not oppose Plaintiffs' sealing requests. *Id.*

Per Civil Local Rule 79-5(d)(1)(C), Plaintiffs have attached redacted and unredacted copies of these exhibits to the Stewart Declaration, as Exhibits A1-AA2.

Dated: December 21, 2017

Respectfully submitted,

By: /s/ Melissa L. Stewart

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² After Plaintiffs submitted the Conditional Certification Motion to the Court via email and hand delivery (pursuant to the procedure set forth in ECF No. 185), Plaintiffs realized that they had inadvertently included documents containing communications protected by the Attorney Client privilege (in addition to collective member contact information) on the final pages of Exhibit 121, Exhibit 139, and Exhibit 144. This information should not have been filed at all. The Court has already granted Plaintiffs' motion to remove similar pages from the docket in another instance. *See* ECF No. 195 (Order dated Dec. 18, 2017). To avoid burdening the Court with additional motion practice to correct this error, Plaintiffs have excluded those pages from today's electronic filing. Defendant consents to this change.

³ Pursuant to Defendant's request, Plaintiffs have also redacted PwC employee contact information contained in these exhibits. Plaintiffs do not oppose these redactions.

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